

REMARKS

Applicant's representative thanks the Examiner for the telephonic interview conducted on April 15, 2008, in which arguments set forth below were summarized for the Examiner. No agreement was reached with respect to the obviousness rejection.

The Office Action dated January 22, 2008 has been carefully considered. Claims 1-12 are pending, claim 12 is withdrawn from consideration. Claims 1 and 8 are amended. Support for claim 1 is found in original claim 12, support for claim 8 is found in claim 1.

35 U.S.C. 112

Claims 8-11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant believes the amendment to claim 8 moots the rejection.

35 U.S.C. 103

Claims 1, 2, 4-7 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (US 5,858,159) in view of Tomoaki Watanabe et al (JP2000-226561). Applicants traverse the rejection.

The Examiner's rejection of claims 1, 2, 4-7 and 8-10 rests on the grounds that it would have been obvious to combine the hotmelt adhesive of Tomoaki, which has similarities to the hotmelt described in the presently claimed invention, in the invention of Holbrook. However, this combination would have been inoperable for its intended purpose. Holbrook states that both the fabric material and the cushion material are heat sensitive (Col. 1, lines 62-65). To accommodate this limitation Holbrook proposes to use fabric with pre-bonded adhesive that can be properly bonded to a seat cushion in merely 4-12 seconds using heated vapor (Col. 7, lines 19-21). Heated vapor attains temperatures of about 100-110°C. In contrast, the Tomoaki hotmelt requires high tack generation temperature (p. 9, para. 0009) and is used at high temperature around 160-180°C (Examples 1-8). For instance, in Example 9, Tomoaki explains that the hotmelt used a coating temperature of 150°C to coat onto an unwoven fabric (p. 36, para. 0055, mid-page). Although Tomoaki characterizes the hotmelt as usable at low temperatures, this is a statement that compares the hotmelt to other hotmelts that use temperatures of 180°C or higher (para. 0006). Thus, the Tomoaki hotmelt is designed for use at what would be high

temperatures for the Holbrook invention, while, in contrast, Holbrook teaches use of adhesives that are designed for adhesion at the temperature of steam application because Holbrook teaches use of heat-sensitive fabric and cushion. Therefore, the use of the Tomoaki hotmelt on the Holbrook fabric article would damage the article and thus make the article inoperable for its intended purpose. Holbrook even states that use of a hotmelt adhesive requires superheated vapor and is disadvantageous (Col. 2, lines 22-29). Thus the modification of the Holbrook invention by use of the Tomoaki hotmelt is not a reasonable modification as grounds for the obviousness rejection.

Still further, the Holbrook invention is a fabric that has an adhesive backing that does not require high heat to become tacky. In contrast, the Tomoaki hotmelt requires high heat to soften and become adhesive. Thus the use of the Tomoaki hotmelt would require higher energy costs to supply the necessary heat for applying the hotmelt. Therefore, the negative aspects of the Examiner's suggested modification (higher energy costs, damaged fabric and cushion) teach away from the combination.

Further still, the Examiner's grounds for the rejection stated that the motivation for modifying the Holbrook adhesive-backed fabric was the desire to use a hot-melt adhesive that has the advantages of high flexibility, low possible coating temperature, low coating viscosity, high tack generation temperature, high blocking resistance and short open time (These are the characteristics of the Tomoaki hotmelt which is useful for application to pleated filters for retaining their shape, at para. 0009 of the JP'561 translation). No explanation was provided as to how these characteristics would make an improved adhesive-backed fabric for application to an auto seat cushion and thus motivate a modification of the Holbrook adhesive-backed fabric. To the contrary, the characteristic of the Tomoaki hotmelt that requires high tack generation temperature is a disadvantage in the method of Holbrook, not an advantage. And the words "low possible coating temperature" are relative; this "low" temperature from the outlook of Tomoaki is a high temperature in terms of Holbrook's invention. Holbrook states that the invention requires an adhesive capable of use with heat-sensitive fabric and heat sensitive cushion, so there would not be a desire for a coating with high tack generation temperature. The Office Action was in error in this statement.

Claims 3 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook et al. (US 5,858,159) (US '159) in view of Tomoaki Watanabe et al (JP2000-226561)(JP'561) as applied to claims 1 and 8, and further in view of Bohm et al (US 2003/0008137). Applicants traverse the rejection.

All the problems with claims 1 and 8, discussed above, apply as well to claims 3 and 11.

Still further, claims 3 and 11 contain the limitation that the outer layer material is formed of a surface layer material and a polyolefin foam layer joined to the back surface of the surface layer material and the hotmelt is applied to the surface of the polyolefin foam layer.

The Examiner stated that Holbrook is silent with respect to disclosing claims 3 and 11. This is incorrect; Holbrook is not silent. Holbrook teaches that any backing layer would inhibit the performance of the adhesive in attaining a strong enough bond to the cushion material (Col. 1, lines 39-47). Since the combination that the Examiner suggests would render the Holbrook invention inoperable for its intended purpose, there would have been no expectation of success in modifying the Holbrook invention by using the backing layer of Bohm with the hotmelt of Tomoaki. For this reason, the obviousness rejection is improper.

Holbrook further teaches away from an outer layer material as described in claims 3 and 11. Holbrook teaches that a fabric that includes a backcoat layer is disadvantageous because (1) it acts as a barrier to the transfer of heat to the adhesive through the trim cover assembly when it is bonded to the cushion pad, (2) it inhibits the intrusion of adhesive into the fabric material, and (3) it limits the elongation of the fabric material (Col. 5, lines 35-45). Holbrook teaches that the adhesive should be used in place of any backcoat layer (Col. 5, lines 45-53).

Since Holbrook teaches away from such a modification, it would not have been obvious to the ordinary skilled worker to apply a polyolefin foam layer to the back surface of the surface layer material.

Furthermore, Bohm discloses that in addition to the pressure-sensitive self-adhesive layer applied to the *underside* of the film (para. 0014), the *top of the film* is laminated to a knitted fabric (para. 0013) and that this lamination of the knitted fabric to the top of the backing film can be accomplished using solvent-free laminating adhesives, such as a hotmelt (para. 0031). Therefore, the combination does not meet the limitations of the instant claims, since, in the

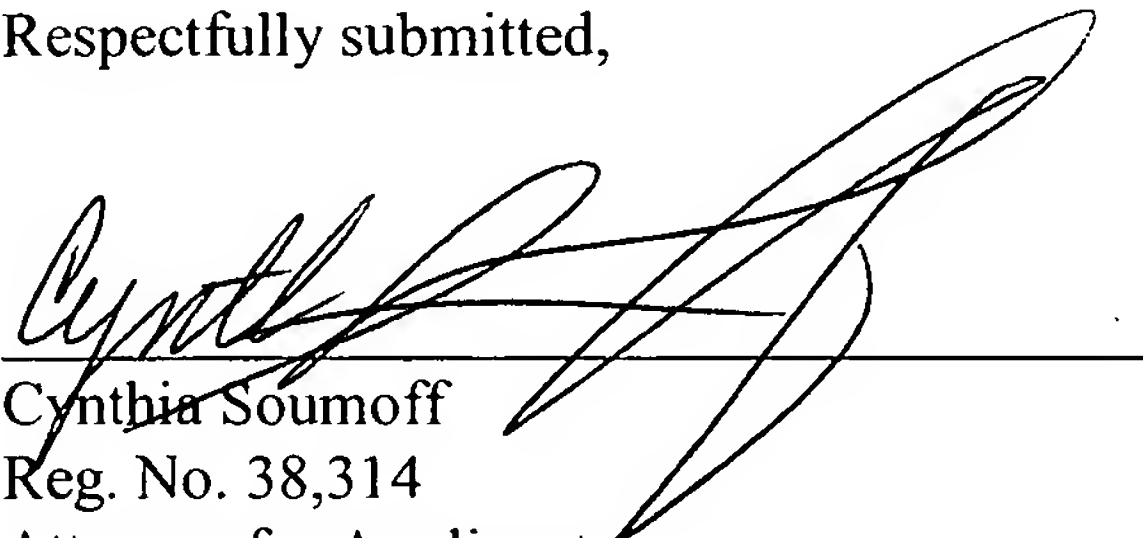
instant claims, the hotmelt is one that is applied to the back surface of the outer layer material and is *exposed* on the back surface of the outer layer material to provide an adhesive surface after being heated, i.e., it is exposed on the pre-applied outer layer material so that it can be adhered to a molded object in forming the automotive interior trim (Claim 12). The hotmelt disclosed by Bohm is one that is used as a laminating adhesive, and is applied to the top of the film and is between the film and the knit layer. It is not exposed as in the claims. Therefore, the combination suggested by the Examination does not even meet the limitation of the claims. Thus, the combination fails to support a prima facie showing of obviousness. It is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the foregoing arguments, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed.

The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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